

REMARKS

Specification:

The Examiner has objected to the Specification under 37 C.F.R. § 1.75(d)(1) as failing to provide antecedent basis for claimed subject matter. Specifically, the Examiner asserts that there is no support within the specification for the subject matter of claim 8, where a subtank is connected to a plurality of recording heads. Applicant disagrees.

Specifically, Applicant notes that on at least pages 6 and 25 it is referenced that “preferably” a subtank is connected to a plurality of recording heads. Applicant submits that this provides sufficient support, within the written description of the application, for the claimed subject matter set forth in claim 8.

Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above objection to the specification.

Drawings:

The Examiner has also objected to the drawings under 37 C.F.R. § 1.83(a) for the same reasons as the Specification. Namely, the Examiner asserts that the Figures do not show the subject matter of claim 8.

Applicant submits herewith a revised Figure 2, in which the subtank 20 is connected to a plurality of recording heads 5. Applicant submits that this revised Figure 2 adequately address the Examiner’s concerns regarding the Figures of the present application. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above objection to the drawings.

Additionally, Applicant submits that the added subject matter to Figure 2 does not constitute “new matter” as this subject matter was sufficiently disclosed within the written description of the present application (see discussion above).

Claim Rejections:

Claims 1-18, 45 and 82 are all of the claims pending in the present application, and currently all of the claims stand rejected.

35 U.S.C. § 102(a) Rejection - Claims 1-3 and 9:

Claims 1-3 and 9 stand rejected under 35 U.S.C. § 102(a) as being anticipated by European Patent Application No. 1 055 520 to Kobayashi et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

Applicant disagrees with the Examiner’s assertion that Kobayashi discloses each and every feature of the present invention as set forth in the above claims.

Specifically, the Examiner asserts that Kobayashi discloses “a plurality of sub tanks (8, 4), communicated with said at least one main tank (6).” *See* Office Action, page 3. Applicant disagrees with this characterization, and in an effort to clarify this distinction, Applicant has amended the claims as shown in the previous section.

Applicant agrees that Kobayashi discloses a sub tank/main tank combination for an ink jet recording device. However, that is where the similarity ends. Namely, Applicant does not agree that there are a “plurality” of sub tanks connected to a main tank, in Kobayashi. When reviewing Figures 1 and 2 (relied upon by the Examiner) it is clear that the main tank 6 is only connected to a single sub tank 4. The Examiner’s characterization of the item 8 as a “sub tank” is erroneous.

Kobayashi clearly indicates that that item 8 is an “ink replenishment unit.” *See* Kobayashi, col. 5, line 52. Further, Kobayashi explains that the ink replenishment unit 8 is shown in Figure 3, and is comprised of operation rods, seat valves, and operation ports. There is no disclosure that the ink replenishment unit 8 contains, or otherwise can be characterized as, a “subtank.” The ink replenishment unit 8 is coupled to the main tank 6 through a series of tubes 10. As the ink level in the subtank 4 goes below a certain point, the ink replenishment unit 8 is coupled to the top of the subtank 4 and acts as a “pump” for drawing ink out of the main tank 6 and placing the ink in the subtank 4. Essentially, the ink replenishment unit 8 is simply a pumping mechanism to get ink from the main tank 6 to the subtank 4.

There is no disclosure of the ink replenishment unit 8 containing, or having, a “subtank”.

Because of this, Kobayashi fails to disclose, teach or suggest each and every element of the claimed invention, as set forth in claims 1-3 and 9. Specifically, Kobayashi fails to disclose or suggest a plurality of subtanks connected to a main tank, where each subtank stores ink from the main tank.

Applicant notes, however, that there appears to be a typographical error in Kobayashi which could explain the Examiner’s reading of the Kobayashi reference. Specifically, at col. 6, beginning at line 2, Figure 2 is discussed. Figure 2 is a diagram of the subtank 4. However, the text of the discussion states “FIG. 2 shows one embodiment of the described sub-tank unit 8 ...” (emphasis added). Applicant submits that the text should read “sub-tank unit 4.” As shown in the actual Figure 2, there is no reference to the numeral 8. The numeral 4 is shown however, with the sub-tank.

Applicant has reviewed the remainder of the disclosure, and the remaining references of the components 4 and 8 are consistent with Applicant's understanding (for example, col. 6, lines 22-47).

In view of the foregoing, Applicant submits that Kobayashi fails to disclose or suggest each and every feature of claim 1. As such, Applicant submits that Kobayashi fails to anticipate the present invention, as required under the provisions of 35 U.S.C. § 102(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(a) rejection of claim 1. Further, as claims 2-3 and 9 depend on claim 1, Applicant submits that these claims are also allowable, at least by reason of their dependence.

35 U.S.C. § 103(a) Rejection - Claims 1-18, 45 and 82:

Claims 1-18, 45 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the previously applied Junya reference, in view of Kobayashi, U.S. Patent No. 5,221,935 to Uzita and U.S. Patent No. 6,151,039 to Hmelar. In view of the following discussion, Applicant respectfully traverses the above rejection.

As in previous prosecution, the Examiner is primarily relying on the Junya reference to teach the present invention. However, now the Examiner admits that Junya does not teach each and every aspect of the claimed invention. Namely, the Examiner admits that Junya does not disclose a plurality of sub tanks connected to at least one main tank. For this, the Examiner relies on the previously discussed Kobayashi reference.

For the same reasons discussed above, Applicant submits that the Examiner's assertions regarding Kobayashi are incorrect. Namely, the ink replenishment unit 8 is not a sub tank, and

thus Kobayashi does not cure the deficient teachings of Junya. Neither Junya or Kobayashi disclose or suggest having a plurality of sub tanks connected to a main tank.

Therefore, Applicant incorporates herein, the discussion set forth above regarding the Kobayashi reference, and submits that even if it were obvious for one of ordinary skill in the art to combine the references as suggested by the Examiner (which Applicant does not admit), the resultant combination would not teach or suggest each and every feature of the claimed invention.

In view of the foregoing, Applicant submits that the above combined references fail to teach or suggest each and every feature of the claimed invention. As such, the Examiner has failed to establish a *prima facie* case of obviousness with respect to these claims. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the above claims.

Conclusion:

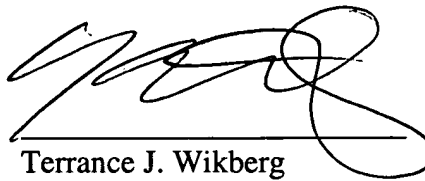
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
Application Number 10/068,008

Our Ref: Q68459
Art Unit: 2861

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Terrance J. Wikberg
Registration No. 47,177

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 15, 2004